

INTERNATIONAL COOPERATION TREATY

PCT/US00/27711

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Commissioner
US Department of Commerce
United States Patent and Trademark
Office, PCT
2011 South Clark Place Room
CP2/5C24
Arlington, VA 22202
ETATS-UNIS D'AMERIQUE

in its capacity as elected Office

Date of mailing (day/month/year)

18 July 2001 (18.07.01)

International application No.

PCT/US00/27711

Applicant's or agent's file reference

18242-501

International filing date (day/month/year)

06 October 2000 (06.10.00)

Priority date (day/month/year)

08 October 1999 (08.10.99)

Applicant

CHIN, Sing, N. et al

1. The designated Office is hereby notified of its election made:



in the demand filed with the International Preliminary Examining Authority on:

08 May 2001 (08.05.01)



in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was



was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Authorized officer

Charlotte ENGER

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RECD 12 NOV 2001

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 18242-501	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US00/27711	International filing date (day/month/year) 06/10/2000	Priority date (day/month/year) 08/10/1999
International Patent Classification (IPC) or national classification and IPC G01N33/543		
Applicant V.I. TECHNOLOGIES, INC. et al.		



1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.

- ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 07/05/2001	Date of completion of this report 06.11.2001
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer Cuendet, P Telephone No. +49 89 2399 8690 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/US00/27711

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, pages:

1-26 as originally filed

Claims, No.:

1-36 as originally filed

Drawings, sheets:

1/3-3/3 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/US00/27711

☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	1-36
	No:	Claims	
Inventive step (IS)	Yes:	Claims	1-36
	No:	Claims	
Industrial applicability (IA)	Yes:	Claims	1-36
	No:	Claims	

2. Citations and explanations
see separate sheet

Point V.2.

1). **Novelty**

The documents **D1**: US-A-4 664 913* and **D2**: US-A-5 541 294*, corresponding to the prior art cited in the search report, do not indicate a method for regenerating an immunoabsorbent resin for removing isoagglutinins from blood. Thus, the subject-matter of claims 1-30 is novel. Furthermore, in these documents a Toyopearl resin of an "**AF-carboxy**" -type is neither used nor indicated (cf. D2, column 4). Thus, the method of removing an isoagglutinin according to claims 31-33 is novel. The composition for binding an isoagglutinin according to claims 34-36 implies an "AF-carboxy"-type resin because of the antigen being "linked to said resin by a carboxy group on said resin" (cf. claim 34); such a composition is not indicated in the documents D1 and D2. Thus, the composition according to claims 34-36 would appear to be novel too.

*) cited in the present description, cf. on p.4 and p.5

2). **Inventive step**

The cited prior art **does** indicate the use of polymethacrylate resins (cf., **D2**, column 4), but **does not** indicate the use of an "AF-carboxy"-type of such a resin. Furthermore, **D1** and **D2** do not indicate nor suggest the regenerating of the immunoabsorbent resin being used. Thus, it was not obvious to expect that the separation system according to the invention, after repeated use, would give isoagglutinin-depleted composition of a clinically acceptable level (cf. p.3, lines 1-9).

PATENT COOPERATION TREATY

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INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 18242-501	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/US 00/ 27711	International filing date (day/month/year) 06/10/2000	(Earliest) Priority Date (day/month/year) 08/10/1999
Applicant V.I. TECHNOLOGIES, INC. et al.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 3 sheets.
☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).
- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :
- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☐ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (see Box II).

4. With regard to the **title**,

- ☒ the text is approved as submitted by the applicant.
- ☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

- ☒ the text is approved as submitted by the applicant.
- ☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.

- ☐ as suggested by the applicant.
- ☐ because the applicant failed to suggest a figure.
- ☐ because this figure better characterizes the invention.
- ☒ None of the figures.

INTERNATIONAL SEARCH REPORT

International Application No.

PCT/US 00/27711

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 G01N33/543 G01N33/68 A61K35/14 G01N33/80

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 G01N A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ, BIOSIS

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 4 664 913 A (SCANNON PATRICK J ET AL) 12 May 1987 (1987-05-12) cited in the application	34-36
A	the whole document	1-33
X	US 5 541 294 A (HOROWITZ BERNARD ET AL) 30 July 1996 (1996-07-30) cited in the application	34-36
A	the whole document	1-33
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☒ Further documents are listed in the continuation of box C.☒ Patent family members are listed in annex.

* Special categories of cited documents:

A document defining the general state of the art which is not considered to be of particular relevance

E earlier document but published on or after the international filing date

L document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

O document referring to an oral disclosure, use, exhibition or other means

P document published prior to the international filing date but later than the priority date claimed

T later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

X document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

Y document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

& document member of the same patent family

Date of the actual completion of the international search

8 August 2001

Date of mailing of the international search report

22/08/2001

Name and mailing address of the ISA

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Pellegrini, P

INTERNATIONAL SEARCH REPORT

International Application No
PCT/US 00/27711

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
P,A	<p>JUDD W JOHN ET AL: "Isohemagglutinin-depleted solvent detergent plasma: A "universal" viral-inactivated plasma for patients of any ABO blood type." BLOOD, vol. 94, no. 10 SUPPL. 1 PART 1, 15 November 1999 (1999-11-15), page 375a XP002165151 Forty-first Annual Meeting of the American Society of Hematology; New Orleans, Louisiana, USA; December 3-7, 1999 ISSN: 0006-4971 abstract</p> <p>-----</p>	1-34

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/US 00/27711

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 4664913 A	12-05-1987	AU 596392 B	03-05-1990
		AU 6804987 A	04-08-1988
		EP 0276342 A	03-08-1988
		GR 3004763 T	28-04-1993
		ZA 8700613 A	30-09-1987
US 5541294 A	30-07-1996	AT 183098 T	15-08-1999
		AU 3864793 A	02-12-1993
		CA 2096654 A	29-11-1993
		DE 69325948 D	16-09-1999
		DE 69325948 T	20-01-2000
		EP 0572194 A	01-12-1993
		ES 2137225 T	16-12-1999
		JP 6100463 A	12-04-1994
		ZA 9303669 A	21-12-1993